

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
ILIANA LOPEZ,	:	
	:	
Plaintiff,	:	
	:	23-CV-1782 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
PARTYMAKERS FLOWERS AND	:	
BALLOONS, INC.,	:	
	:	
Defendant.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on March 1, 2023, (Doc. 1), and filed an affidavit of service on March 20, 2023, (Doc. 5). The deadline for Defendant to respond to Plaintiff’s complaint was April 4, 2023. (*See* Doc. 5.) On April 7, 2023, I directed Plaintiff to seek default judgment by no later than April 20, 2023. (Doc. 6.) I warned, “If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss Plaintiff’s claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).” (*Id.*) On April 23, 2023, Plaintiff requested an additional two weeks to file a request for default judgment. (Doc. 7.) I granted Plaintiff’s request and allowed Plaintiff until May 4, 2023 to seek default judgment. (Doc. 8.) To date, Defendant has not appeared or responded to the complaint. Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiff’s claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: May 8, 2023  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized 'V' and 'B'.

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VERNON S. BRODERICK  
United States District Judge